IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 230 of 2002

Between:

M. Rama Mohan Rao, S/o. Appala Swamy,
H/o. Sarojana, Redlawada Post,
Parvathagiri, Warangal District.

..... PETITIONER

AND

1. Indian Overseas Bank, Rep. by its Deputy General Manager,
   Central Office, 763, Anna Salai,
   Chennai -- 600002.
2. The Dy. Chief Officer, Enquiry Cell (PAD),
   Indian Overseas Bank, Central Office, 763, AnnaSalai,
   Chennai -- 600002.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or a direction, more particularly one in the nature of Writ of Mandamus or any other appropriate writ, (1) declaring the proceedings No. ENQ/PAD/213/41, dt. 5-5-2001 of the Deputy Chief Officer, Enquiry Cell as illegal and arbitrary; (2) declaring the proceedings No. DGM (MRC) / AA /IR/ 394, DT. 4-12-2001 of the Deputy General Manager as illegal and arbitrary and consequently direct the respondent Bank to reinstate the petitioner into service with all consequential benefits and pass

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents: MR.P.BADRI PREMNATH

The Court made the following :

The Hon'ble Sri Justice

K.C. Bhanu

W.P. No. 230 of 2002

O R D E R:

The writ petition is filed seeking a writ of Mandamus declaring the proceedings No. ENA/PAD/213/41 dated 5.5.2001 of the Deputy Chief Officer, Enquiry Cell and the proceedings No.DGM(MRC)/AA/IR/394 dated 4.12.2001 of the Deputy General Manager as illegal and arbitrary.

The petitioner joined the Indian Overseas Bank as Clerk-cum-Typist on 17.5.1980. At that time he has produced the caste certificate dated 19.12.1978 issued by the Tahsildar, Narsapur, West Godavari District, to the effect that he belongs to Turupu Kapu community. There upon, a show-cause notice was issued on 11.8.1988 proposing to terminate his services. Aggrieved by the same, he filed W.P. 14951 of 1988. The said writ petition was disposed of on 26.3.1998 duly recording that the explanation has been filed to the show-cause notice and if any adverse order is passed, it is open for the petitioner to challenge the same. Thereafter, a charge-sheet dated 12.2.1999 was issued for which he gave a detailed explanation. The Enquiry Officer submitted the report holding that the charges have been proved. Accepting the findings of the Enquiry Officer, the disciplinary authority imposed the punishment of dismissal. The same is under challenge.

Learned counsel for the petitioner contended that the petitioner has not given any false statement about his caste but as per the certificate issued by the Tahsildar, he mentioned about his

caste status in the application and therefore there is no willful suppression about his caste and hence the orders under challenge suffer from serious infirmities.

None appears for the respondents.

The caste certificate dated 19.12.1978 was issued to the petitioner by the Tahsildar to the effect that the petitioner belongs to Turupu Kapu caste, which comes under Schedule Tribe. That certificate has been cancelled by the District Collector and District Magistrate vide proceedings dated 26.7.1988. The said order has become final. As seen from this order, it is clear that a notice has been issued to the petitioner and the petitioner offered his explanation vide letter dated 10.7.1988. The allegation against the petitioner is that knowing fully well that he belongs to 'Turupu Kapu' community to which he reportedly belonged and which has not been declared as Schedule Tribe, he has willfully and by unfair means secured caste certificate dated 19.12.1978. The further imputation is that he has willfully submitted to BSRB an application dated 21.12.1978 falsely and with *mala fide* intention declaring his caste status as 'Schedule Tribe'. The further imputation is that he has willfully and with *mala fide* intention submitted to BSRB a bio-data form dated 5.12.1979 falsely declaring his caste as 'Schedule Tribe'. After due enquiry the impugned order has been passed.

The only ground on which learned counsel for the petitioner relied upon is that since the certificate issued by the Tahsildar was valid as on the date of filing of the application, which shows that the petitioner belongs to Schedule Tribe, there is no willful suppression of facts. Admittedly 'Turupu Kapu' community is not listed as one of the sub-castes in the Schedule Tribe community. On the other hand, as per G.O.Ms.No.1793 Education Department dated 23.9.1970 Turupu kapu caste is classified under B.C. Group-D and therefore Turupu kapu caste does not come under S.T. community. In these circumstances, it is for the petitioner to give explanation as to how he obtained a caste certificate dated 19.12.1978 from the

Tahsildar. It is only stated by the petitioner in the explanation dated 28.4.1999 that the Tahsildar is at fault in doing so and that he is no way concerned with the mistake committed by the Tahsildar. According to the petitioner, he merely relied upon the caste certificate issued by the Tahsildar, Narsapur. His case is that he has not changed his caste statues on his own accord. If really the petitioner has no intention to cheat, then certainly he would have brought to the notice of the concerned authorities after cancellation of the caste certificate issued by the Tahsildar by the Collector of West Godavari. It is clearly stated that in the bio-data form dated 5.12.1979 the petitioner claimed the caste status as Schedule Tribe. After elaborate consideration of the matter, the disciplinary authority accepted the findings of the Enquiry Officer. It is not a case of violation of principles of natural justice. After affording reasonable opportunity the enquiry has been conducted. Therefore, the order under challenge does not suffer from any legal infirmities so as to call for interference. Even otherwise, the petitioner secured employment as a Schedule Tribe candidate, which is a reserved category.

Under the circumstances, there are no grounds to interfere with the orders impugned in the writ petition. The writ petition is accordingly dismissed. There shall be no order as to costs.

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K.C. Bhanu, J.

Date: 13—06—2005.

MVB.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Deputy General Manager, Indian Overseas Bank,
   Central Office, 763, Anna Salai,
   Chennai -- 600002.
2. The Dy. Chief Officer, Enquiry Cell (PAD),
   Indian Overseas Bank, Central Office, 763, AnnaSalai,
   Chennai -- 600002.

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